

**MINUTES OF COUNCIL**

**MEETING DATE** Tuesday, 23 September 2014

**MEMBERS PRESENT:** Councillor Roy Lees (Mayor), Councillor Marion Lowe (Deputy Mayor) and Councillors Eric Bell, Julia Berry, Alistair Bradley, Terry Brown, Henry Counce, Jean Cronshaw, Matthew Crow, John Dalton, David Dickinson, Doreen Dickinson, Graham Dunn, Robert Finnamore, Christopher France, Gordon France, Margaret France, Anthony Gee, Danny Gee, Peter Goldsworthy, Mike Handley, Steve Holgate, Keith Iddon, Mark Jarnell, Hasina Khan, Paul Leadbetter, Adrian Lowe, Matthew Lynch, June Molyneaux, Greg Morgan, Alistair Morwood, Mick Muncaster, Steve Murfitt, Beverley Murray, Mark Perks, Dave Rogerson, Joyce Snape, Kim Snape, Ralph Snape, Richard Toon, John Walker, Paul Walmsley, Alan Whittaker and Peter Wilson

**OFFICERS:** Gary Hall (Chief Executive), Lesley-Ann Fenton (Director of Customer and Advice Services), Jamie Carson (Director of Public Protection, Streetscene and Community), Alex Jackson (Legal Services Team Leader) and Carol Russell (Democratic Services Manager)

**APOLOGIES:** Councillors Charlie Bromilow and Pauline Phipps

**14.C.178 Minutes of meeting Thursday, 4 September 2014 of Council**

**RESOLVED – that the minutes of the last meeting of the Council (as revised and circulated) be approved as a correct record for signature by the Mayor.**

**14.C.179 Declarations of Any Interests**

There were no declarations of interest received.

**14.C.180 Mayoral Announcements**

The Mayor announced slightly revised arrangements for Remembrance Sunday on 9 November and a Festival of Remembrance to be held in the Lancastrian Suite on the evening of Saturday 8 November.

The Mayor further updated on his fundraising activities, raising over £1,800 at his Lancashire Night and promoting a Chorley's Got Soul Night on 14 November. He

referred to a Macmillan Coffee Morning which the Deputy Mayor had arranged on 29 September and which all Members were encouraged to attend.

The Mayor then announced a slight change to the order of the agenda to allow the item on Croston Flood Risk Management Scheme Update to be considered next.

#### **14.C.181 Croston Flood Risk Management Scheme Update**

The Executive Member for Resources presented a report on the Croston Flood Risk Management Scheme which had been agreed at Executive Cabinet on 28 August 2014 and referred to Council for approval to the funding of the shortfall of £1.1m for the project.

Executive Cabinet had proposed that the Council should contribute £600,000 to the scheme and that consultation should take place with Croston residents on the introduction of a local levy to fund the remaining shortfall of £500,000.

Since then the Executive Leader and Executive Member for Resources had continued to seek other funding sources to avoid the need for a local levy which they knew was an unpopular option, viewed as unfair on Croston residents. They were also mindful that a solution to the funding gap had to be found as soon as possible to avoid losing the remaining grant funding of £4.5million. Therefore he put forward a new proposal at the meeting, proposing that the Council meet the full £1.1million funding gap through a loan paid back over a 50 year period. He added that the Council would continue to lobby other agencies to help with contributions to the scheme and he hoped local residents would support him in this approach.

Councillors Perks and a number of other councillors expressed their support for the new approach and felt that local residents would be delighted with the outcome.

Councillor Peter Wilson, Executive Member for Resources proposed and Councillor Alistair Bradley, Executive Leader seconded and it was **RESOLVED**

- 1. That the report be noted; and**
- 2. That the Council agrees to bridge the funding gap of £1.1million and incur borrowing for a period of 50 years but continues to investigate other opportunities for funding, other than the introduction of a local levy on residents.**

#### **14.C.182 Public Questions**

There had been three questions received from members of the public regarding the funding of the Croston Flood Risk Management Scheme, however these were withdrawn following the Council decision to fully fund the gap of £1.1million.

A public question was submitted by Mr W Rouse of Nightingale Way, Gillibrand South regarding maintenance and adoption issues on the Gillibrand Estate, specifically the continuing vandalism of the ground, trees and shrubs opposite nos. 6 to 11 Nightingale Way; the use of the area as a football pitch; the need for a no ball games sign for that area; better maintenance required on the existing playing fields created by the developers; and safety issues around the pond where the danger signs were continually ripped up and the lifebelt thrown into the deep pond on a regular basis.

In response, Councillor Paul Walmsley, Executive Member for Public Protection said that the Council had been working with developers, local residents and the police to try and make progress on these issues. The estate was unadopted and this did create issues around the Council maintaining areas still in the ownership and charge of developers. However, the safety of the pond had been addressed and the police kept informed; grassed areas were being tidied up by the Council although he thought a no ball games sign would not be an effective deterrent. The areas need to be safe and respected and the Council would try and work with the local community to achieve this.

#### **14.C.183 Freedom of the Borough**

Councillor Peter Wilson, Executive Member for Resources asked the Council to consider granting Freedom of the Borough to 3 Medical Regiment who now commanded 64 Medical Squadron based at the Army Reserve Centre on Devonshire Road Chorley.

As background, Councillor Wilson explained that the Council had granted Freedom of the Borough status to 5 Medical Regiment in 2007. 64 Medical Squadron was previously part of 5 Medical Regiment but earlier this year was moved under the command of 3 Medical Regiment who moved into Fulwood Barracks, Preston in August this year.

In view of the change in Regiment, the Council was being asked to consider granting Freedom of the Borough status to 3 Medical Regiment. This would acknowledge the Council's continued commitment to and appreciation for the work of 64 Medical Squadron.

Formal granting of Freedom of the Borough was normally undertaken at a Special Meeting of the Council meeting prior to a Church Service with the Mayor presenting a Freedom Scroll to the Commanding Officer and the Regiment marching through the town. If agreed, this would take place at a future date to be agreed with the Regiment.

Members from all political parties spoke in favour of the proposal as a demonstration of the value and pride the Council placed in the work of the Regiment.

**RESOLVED – That a Special Meeting of the Council be organised to grant Freedom of the Borough to 3 Medical Regiment prior to a Church Service and the presentation of a Freedom Scroll to the Commanding Officer. 3 Medical Regiment would also be invited to then march through the town.**

#### **14.C.184 Executive Cabinet**

Members considered a general report of the meeting of the Executive Cabinet held on 28 August 2014.

Councillor Alistair Bradley, Executive Leader proposed and Councillor Peter Wilson, Executive Member for Resources seconded and it was **RESOLVED – that the report be noted.**

#### 14.C.185 Revenue and Capital Budget Monitoring 2014/15: Report 1 (End of June 2014)

Councillor Peter Wilson, Executive Member for Resources presented a Revenue and Capital Budget Monitoring Report for 2014/15 for the first quarter (to the end of June) which had been considered at Executive Cabinet on 28 August and required full Council approval to some elements of the report.

Councillor Peter Wilson, Executive Member for Resources proposed and Councillor Alistair Bradley, Executive Leader seconded and it was **RESOLVED** -

1. That approval be given to the transfer of £100,000 of additional income from Market Walk to invest in the Town Centre Grants Programme and that any surplus additional income, currently forecast to be around £163,000, be divided on a 80:20 basis between two reserves: the equalisation reserve to smooth any fall in forecast income from Market Walk in future years; and the change management reserve which would assist in funding future organisational change.
2. That approval be granted to a £30,000 increase to the Adlington Play and Recreation budget in the capital programme, funded from Section 106 contributions.
3. That approval be granted to the proposed re-profiling of the Capital Programme to better reflect delivery in 2014/15.

#### 14.C.186 Overview and Scrutiny Committee

Members considered a general report of the Overview and Scrutiny Performance Panel held on 10 July 2014. Councillor John Walker, Chair of the Committee, thanked Councillor Adrian Lowe for his contributions to that meeting which had undertaken a performance focus of streetscene services.

Councillor John Walker, Chair of the Overview and Scrutiny Committee proposed and Councillor June Molyneaux, Vice Chair seconded and it was **RESOLVED – that the report be noted.**

#### 14.C.187 Governance Committee

Members considered a general report of the meeting of Governance Committee held on 12 September 2014.

Councillor Paul Leadbetter, Chair of the Governance Committee proposed and Councillor Julia Berry seconded and it was **RESOLVED – that the report be noted.**

#### 14.C.188 Openness of Local Government Bodies Regulations 2014

Members considered a report of the Chief Executive on requirements under the new Openness of Local Government Bodies Regulations 2014 which came into force on 6 August 2014 and required local authorities to make specific provision in two key areas:

- The recording and filming of the public parts of Council and committee meetings including using mobile phones and social media to share information; and

- Producing a published record of officer delegated decisions relating to permissions, licences and certain contracts and expenditure.

Appended to the report was a suggested protocol to be adopted for use in Council and committee meetings providing guidance on the use of mobile phones, social media, filming and for recording of meetings.

The regulations also stated that local authorities must produce a written record of certain decisions taken by officers acting under delegated powers and published as soon as practicable. Decisions required to be published were those granting a permission or licence; those affecting the rights of an individual; the award of a contract or the incurring of expenditure materially affects the Council's position. The report set out how the Council intended to implement this requirement which would include the publication of all licences issued by the Council, all contracts over £100,000, plus building control decisions and notices.

Councillor Alistair Bradley, Executive Leader proposed and Councillor Peter Wilson, Executive Member for Resources seconded and it was **RESOLVED –**

- 1. That the proposed protocol for the use of mobile phones, social media, filming and recording at meetings as appended to the report be approved and incorporated into the Council's Constitution as a new section F in Appendix 3, the section containing Standing Orders ; and**
- 2. That the proposals for recording officer decisions be approved and authority is delegated to the Monitoring Officer to make any necessary amendments to the Constitution to implement them.**

#### **14.C.189 Statement of Community Involvement 2014**

Members considered a report of the Chief Executive, presented by Councillor Paul Walmsley, Executive Member for Public Protection and seeking approval to the adoption of a revised Statement of Community Involvement

The Statement of Community Involvement (SCI) provides the community and other interested parties with clarity on the levels of involvement in the planning process. It details how the Council will consult in relation to preparing planning policy documents and in determining planning applications. Once agreed, the Council is required to act in accordance with the adopted document. The Council adopted an SCI in 2006, and a revised draft had been subject to a 4 week consultation receiving 8 responses. No changes were proposed to the main body of the document although relevant statutory consultees had been added to Appendix 1 of the document.

Councillor Alistair Bradley, Executive Leader proposed and Councillor Paul Walmsley, Executive Member for Public Protection seconded it and it was **RESOLVED – that the Statement of Community Involvement be approved for adoption.**

#### **14.C.190 Public Footpath No.6 Adlington: Proposed Public Path Diversion Order**

Councillor Paul Walmsley, Executive Member for Public Protection presented a report seeking confirmation of the Chorley Borough Council (Public Footpath No. 6 Adlington) Public Footpath Diversion Order 2014.

The diversion was necessary to accommodate further development at Fairview Farm, Adlington. The Council had received only one objection to the proposed diversion and this had since been withdrawn.

Councillor Paul Walmsley, Executive Member for Public Protection proposed, Councillor Alistair Bradley, Executive Leader seconded it and it was **RESOLVED –**

- 1. That the Head of Governance be authorised to confirm as an unopposed order the Chorley Borough Council (Public Footpath No.6 Adlington) Public Footpath Diversion Order 2014; and**
- 2. That the Head of Governance be authorised to arrange any necessary press advertisements regarding the Order and serve such notices as required by the Highways Act 1980.**

#### **14.C.191 Appointments to the Working Group on Unitary Status**

Further to the Council Meeting on 4 October, when a working group had been established to consider issues relating to the Council's interest in unitary status, the Executive Leader nominated five Labour Councillors to serve on the Working Group. Councillor R Snape had been nominated to represent the Independent Group and it was reported that the Conservative Group did not wish to take up membership of the Working Group at this stage. The Executive Leader reported that two places would remain available to the Conservative Group should they change their mind but also that all Members would be able to attend the Working Group meetings in an observer capacity as long as they maintained confidentiality. The Group would be entitled Future Governance Viability Working Group.

The Executive Leader also requested a change in appointments to the Development Control Committee and LDF Working Group.

Councillor Alistair Bradley, Executive Leader proposed and Councillor Peter Wilson, Executive Member for Resources seconded and it was **RESOLVED –**

- 1. That the membership of the Future Governance Viability Working Group be as follows; Councillors A Bradley, S Holgate, H Khan, A Lowe, R Snape and R Toon with all Members invited to attend in an observer capacity; and**
- 2. That Councillor Steve Holgate replace Councillor Matthew Crow as Chair and member of the Development Control Committee and also as a Member on the LDF Working Group.**

#### **14.C.192 Questions Asked under Council Procedure Rule 8**

There were no questions under Procedure Rule 8.

#### **14.C.193 To consider the Notices of Motion given in accordance with Council procedure Rule 10**

The Executive Leader, Councillor Alistair Bradley referred to a letter from Sefton Council Labour Group which sought support for a motion that had received cross party

support at a recent Sefton Council meeting, raising concerns about the impact of changes to the national planning system with Eric Pickles, Secretary of State for Communities and Local Government.

The motion passed was appended to the letter and referred specifically to the National Planning Policy Framework; Prior Notifications; Changes to the Use Classes Orders; the Localism Act – Neighbourhood Planning and Community Right to Bid; and the Abolition of Regional Planning.

Members debate the motion put forward by Sefton and it was **RESOLVED – That this Council, calls on the Secretary of State for Communities and Local Government, Mr. Eric Pickles MP, to examine the changes the Coalition Government has made to this country’s planning system to see if they are working for the benefit of the communities. Some of the issues are detailed below:**

- **The National Planning Policy Framework**  
There is a body of opinion that sees this as a ‘Developers Charter’ where the rules have shifted in favour of allowing much more development.
- **Prior Notifications**  
Several kinds of developments can now progress without the need for full application and full assessment of impacts. In most cases these don’t include highway issues and ignore issues that many residents may be concerned about. Types of development covered by these changes include large house extensions, changes between different uses, changes of agricultural buildings to many other uses like hotels etc. Councils still need to determine these prior notifications, in many instances with no fee and with reduced timescales for decision making.
- **Changes to the Use Classes Orders**  
Now a much wider range of uses than ever can change to another use without the need for planning permission. These include shops to residential - what will this mean for our town centres? Restaurants to offices, shops to building societies or credit unions. These are only a small number of the changes of use that are now possible without needing planning permission.
- **Localism Act - Neighbourhood Planning and Community Right to Bid**  
Neighbourhood Planning could be a positive tool to support our own local plans. The process has been designed so that communities can help plan their local areas, but only if they accept the same, or more, development than our own Local Plan. Community Right to Bid - this is in danger of becoming a tool to stall development proposals months when key assets come up for sale. This does not provide certainty and speed for new developments – it provides the opposite.
- **Abolition of Regional Planning**  
This was intended to bring more effective local decision making through the removal of a whole regional tier of control and influence in strategic planning. This has resulted in each local authority now having to prepare their own evidence and their own estimates about how many houses they need to build in their area.

Mayor

Date